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NOMINATION OF W. ALLEN MOORE, JAN W. MARES, AND JILL E. KENT

HEARING

BEFORE THE

COMMITTEE ON FINANCE
UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

SECOND SESSION

ON THE

NOMINATION OF

W. ALLEN MOORE TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE, JAN W. MARES TO BE ASSISTANT SECRETARY OF COMMERCE, AND JILL E. KENT TO BE ASSISTANT SECRETARY OF THE TREASURY FOR MANAGEMENT

MAY 25, 1988

Printed for the use of the Committee on Finance

U.S. GOVERNMENT PRINTING OFFICE

92-351 == WASHINGTON : 1989

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

S361-14

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CONTENTS

OPENING STATEMENTS

	Page
Baucus, Hon. Max a U.S. Senator from Montana	1
Danforth, Hon. John C. a U.S. Senator from Missouri	2
Packwood, Hon. Bob a U.S. Senator from Oregon	3
Wallop, Hon. Malcolm a U.S. Senator from Wyoming	3
Bradley, Hon. Bill a U.S. Senator from New Jersey	9

COMMITTEE PRESS RELEASE

Nominations for Commerce and Treasury	1

PUBLIC WITNESSES

Moore, W. Allen to be Under Secretary of Commerce for International Trade	4
Mares, Jan W. to be Assistant Secretary of Commerce for Import Administration	5
Kent, Jill E. to be Assistant Secretary of The Tresuary for Management	10

APPENDIX

Alphabetical Listing and Material Submitted

Kent, Jill E.:	
Biography	13
Mares, Jan W.:	
Biography	19
Responses to questions from Senator Heinz by Jan W. Mares	24
Moore, W. Allen:	
Biography	29

Communications

Letters from the U.S. Office of Government Ethics on:	
Kent, Jill E	31
Mares, Jan W	32
Moore, W. Allen	34

NOMINATIONS OF W. ALLEN MOORE, JAN W. MARES, AND JILL E. KENT

WEDNESDAY, MAY 25, 1988

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC.

The hearing was convened, pursuant to notice, at 10:07 a.m. in Room SD-215, Dirksen Senate Office Building, the Honorable Max Baucus presiding.

Present: Senators Baucus, Bradley, Packwood, Danforth, and Wallop.

[The press release announcing the hearing follows:]

[Press Release No. H-20, May, 19 1988]

COMMITTEE ON FINANCE ANNOUNCES A HEARING TO REVIEW NOMINATIONS FOR COMMERCE AND TREASURY POSTS

WASHINGTON, DC—Senator Lloyd (D. Tex.), Chairman, announced Thursday that the full committee will hold a hearing to review the nominations of Allen Moore to be Under Secretary of Commerce for International Trade, Jan W. Mares to be Assistant Secretary of Commerce, and Jill E. Kent to be Assistant Secretary of the Treasury for Management.

The hearing will be held on *Wednesday, May 25, 1988 at 10 a.m.* in room SD—215 of the Dirksen Senate Office Building.

Mr. Moore is currently Acting Under Secretary of Commerce for International Trade. Previously, he served as Minority Chief of Staff for the Senate Committee on Commerce, Science and Transportation. Mr. Mares is a Senior Policy Analyst for the Office of Policy Development in The White House. Ms. Kent is presently Acting Assistant Secretary of the Treasury for Departmental Finance and Management.

OPENING STATEMENT OF HON. MAX BAUCUS, A U.S. SENATOR FROM MONTANA

Senator BAUCUS. The hearing will come to order. This hearing is to consider the nominations of Allen Moore and Jan Mares.

Allen Moore, whom many of us know from the Commerce Committee and from the office of Senator Danforth, has been nominated for the position of Under Secretary of Commerce for International Trade. Mr. Mares has been with the White House staff and has been nominated for the new position of Assistant Secretary of Commerce for Import Administration.

The committee staff has prepared a series of organizational charts that are before the Senators how the ITA is organized and where these provisions fit into that organization. The committee has traditionally been deeply concerned about these two positions.

These jobs were created at the end of the Carter Administration in a trade reorganization that members of this committee worked

for in order to assure vigorous enforcement of the trade laws. We turned out to be right. The ITA has turned out to be a vital element of the trade forces in the Executive Branch.

About ten times as many antidumping and countervailing duty cases have been filed since 1980 as under all other Federal trade laws. When the Trade Representative needs help, he most often turns to the ITA. It provides technical backup and often, in the Reagan Administration, has actually led trade delegations on a wide variety of topics, such as steel talks to the Konsai Airport.

We also have great interest in these nominations for a lot of other reasons. Many of us on this committee know the nominees quite well, and we think very highly of them.

I now would like to turn the hearing over to the very distinguished Senator from Missouri, who is very close to and knows personally the two nominees and who also is probably one of the leading, premier experts and authorities on these issues among all the members of Congress on both sides of Capitol Hill. Senator Danforth?

STATEMENT OF HON. JOHN C. DANFORTH, A U.S. SENATOR FROM MISSOURI

Senator Danforth. Mr. Chairman, thank you very much.

Mr. Chairman, it is always a great honor to present to a committee for confirmation a presidential nominee whom one knows. I happen to know both of these gentlemen who appear before us today, and I am privileged to have the opportunity to say a few words about each of them.

I will take them in the order of when I first knew them.

Jan Mares is originally from St. Louis. Somehow he fell by the wayside, but he was from St. Louis. He went to John Burroughs School, which is a competitor—a very fine school—of the one I went to.

In 1948, Jan Mares and I were tent mates at Camp Minnewauka in Shelby, Michigan. It turns out that a latter day alumnus of Camp Minnewauka is Allen Moore's son, Jason. So, I bring that to the committee's attention for any further investigation or questions that members might want to ask about Camp Minnewauka. (Laughter)

It was founded by my grandfather, and my brother is the president of the American Youth Foundation that runs it; so I will be prepared to answer any questions you have. (Laughter)

Jan's wife, Lois, is also a contemporary of mine from St. Louis, and I knew her quite well growing up. In fact, Lois reminded me before the hearing that we used to dance with each other back in those days when you had to attend something called the league dance and get your dance cards filled. Lois was always kind to me at that very awkward stage of my life. (Laughter)

Jan, of course, has had a very distinguished career. He is a graduate of both Harvard College and Harvard Law School. He spent his private life with Union Carbide, and then he served as Assistant Secretary of Energy. More recently, he served in the White House.

Allen Moore. What can I say about him? The first day that I served in the Senate, Allen Moore was on my staff. After I was elected in 1976, I came to Washington; and my idea was to find the person who would be the perfect legislative director. I interviewed a number of people and listened to a lot of recommendations.

I was fortunate to ask Allen if he would do that for me, and he accepted. I think he actually went on the payroll, as I recall, even before I did. He nailed down the office for me, and we were ready to go when I hit town.

He served as my legislative director until a little over three years ago.When I became the Chairman of the Senate Commerce Committee, Allen then shifted over to the Commerce Committee to be the staff director and chief counsel. He remained in that position while we Republicans were in the minority and then he went to the Department of Commerce on an acting basis as Under Secretary.

I think that, in any position of responsibility, you are only as good as the people who work with you. Allen was a tremendous blessing to me. He is extraordinarily smart; he is smart in every way. He is very quick at grasping subject matter,and he is also very quick to find out where people are coming from.

He had enormous skill in the legislative process. He had an uncanny ability to know before things happened what they were going to be. In addition to his extraordinarily able service to the Senate and to me, he is besides all that just a great human being, a person who is sensitive to other people, a person who is honest in every way, and a person who has meant more to me than almost anybody I can think of, other than my own family.

So, Mr. Chairman, it is truly an honor to present these two individuals, whom I have known—in the case of Jan Mares so long, and in the case of Allen Moore so well—to the Finance Committee for confirmation.

Senator BAUCUS. Thank you, Senator. Senator Packwood?

OPENING STATEMENT OF HON. BOB PACKWOOD, A U.S. SENATOR FROM OREGON

Senator Packwood. No comment about the nominees. No nominee should have to be put through what Senator Danforth has to tell us about their background at Camp Minnewauka. (Laughter)

And having been a tentmate—I mean, that is asking too much of a nominee to have that kind of background exposed. I would vote on his confirmation just on that poor devil having to have that in his background. (Laughter)

Senator BAUCUS. Senator Wallop?

OPENING STATEMENT OF HON. MALCOLM WALLOP, A U.S. SENATOR FROM WYOMING

Senator Wallop. Mr. Chairman, I would find it very difficult to surpass what Senator Danforth has said about these nominees. (Laughter)

Senator BAUCUS. All right, gentlemen. The challenge is before you to maintain the expectations that Senator Danforth has laid before you. Allen Moore, why don't you begin?

STATEMENT OF W. ALLEN MOORE, NOMINEE TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE

Mr. MOORE. Thank you, Mr. Chairman. If I might just make a few personal comments. First of all, let me thank my mentor, my teacher—every now and then I like to think my student—but most of all my friend, Jack Danforth, for his words here, but much more than that, for what they represent over 11 years.

This is a familiar room for me, and there are familiar faces in the room. This is an unfamiliar seat for me here. I hung around this room for eight years as an observer and sometimes as a participant. I suppose those of us who do that are sometimes even called ""groupies," but I really spent some great years in and around this room.

When I came to the Senate 11 years, I thought: Maybe I will do this for a couple of years. And I stayed for 11. That had a lot to do with Jack Danforth, and I think it also had something to do with the Senate Finance Committee.

A great many important things have happened in this room, and I got to be a part of that every now and then. That was not only exciting, but I always felt it was very worthwhile. I have friends in this room; I like to think that I have four friends before me and more friends behind you and even some friends today behind me.

I was in Japan a few weeks ago talking to a Japanese counterpart, and he was curious about me. I was a surprise to the Japanese. They spend a lot of money trying to find out what is going to happen in this town; and they hadn't figured this one out. So, they were very curious about me.

I asked this man what was the Japanese view of me, and he said, "Well, of course, we know you are part of the Danforth faction." I started to say that we don't really have "factions," but I didn't say anything; and of course, we don't in the sense that the Japanese do.

But the more I thought about it, I thought, yes, maybe I am part of the Danforth faction; but more than that, I think I am part of the Finance Committee faction, the Commerce Committee faction, or—more to the point—the Senate faction, if you will.

I have spent sixteen years—really most of my professional career—in public service, and eleven of those were here in the Senate. My children behind me today grew up in the halls of the Russell Building and the Dirksen Building and in the Capitol.

Most of you know that my wife, Janet, and I met here in the Senate. My son was a page for a couple of weeks last summer; my daughter will be a page this summer after working on the Budget Committee as an intern last summer. My step-daughter, Lee, spent a year working part-time for Senator Thurmond. So, we are sort of a Senate family; and this place is very important to all of us.

When I first came to Washington, I worked at the Department of Health, Education and Welfare; and I have this feeling that where you start in Washington determines what you become a creature of. I always thought of myself, even when I was here, as a creature of the Executive Branch; but I really grew up here in the Senate.

Having said all of that, what does that mean for the International Trade Administration? It has given me a chance to be exposed to

a great many of the issues that I now deal with on a daily basis and will continue to deal with. I think I have been able to learn in these years here and in this city how things work, how to get things done.

Knowing how doesn't get you there, but it helps. I have dealt with some of our major trading partners. I have traveled overseas. I have met these people. I have worked to try to build a consensus of all sides and all branches of Government.

I have learned that you have to compromise, and I have learned that sometimes you fail. We don't have a lot of time left in this Administration, and obviously, there is much to be done in the whole world of trade and trade tension.

I feel at the department like a steward of this organization. There are 2,500 people in ITA, and most of them were there before I got there; and most of them will be there after I have gone. I have to say that I have just been enormously impressed with the overall quality of the people in ITA. It is an exciting place to be. It attracts some of the very best, and we are lucky to have them in our Government.

One of my objectives is to get all I can out of them, to keep them there, to make them like the place, and stay longer than they otherwise might because I think we are all the better for it.

I think one of the best ways to get the most out of them is to work closely with you—you in the largest sense—you in the Congress, but particularly you here in the Finance Committee; and I do pledge that I will do that. Thank you, Mr. Chairman.

Senator BAUCUS. Thank you, Allen.

[The information pertaining to Mr. Moore appears in the appendix.]

Senator BAUCUS. Mr. Mares, why don't you give your statement?

STATEMENT OF JAN W. MARES, NOMINEE TO BE ASSISTANT SECRETARY OF COMMERCE FOR IMPORT ADMINISTRATION

Mr. MARES. Thank you, Mr. Chairman and members of the committee. I am greatly honored that Secretary Verity has selected me and the President has nominated me to the very important position of Assistant Secretary for Import Administration in the Department of Commerce.

If confirmed, I will perform the responsibilities of this position to the best of my ability.

I believe that the antidumping and countervailing duty laws are very important and a key part of the trade laws of this country, and I also believe it is very important that these laws, as well as the President's steel program, and the various agreements—including the soft wood lumber agreement, semiconductor agreement, and others—are administered fairly, vigorously, and consistently, and in accordance with the intent of Congress.

Most of my professional life has been spent, one way or another, involved with international activities; and I believe that the expansion of international trade has been very beneficial to the United States. I also believe the effective administration of these laws will facilitate the expansion of fair trade.

I believe the professional activities I have had will enable me, if confirmed, to perform positively in this position. Most of my ten years as a lawyer were spent involved with international activities. The significant part of my eight years as a businessman involved being responsible in part for some export sales. I spent four years as an Assistant Secretary of the Department of Energy, and the last two and a half years in the Office of Policy at The White House.

I will also clearly be helped in this position by the support of my wife, Lois, and my two children, Dorothy and Joseph, who are seated behind me here, as well as my mother, who is visiting from Texas, which is the State to which I ran after I left Missouri.

I believe that the staff of the office of Import Administration is a very talented, hard-working, dedicated group whose commitment to meet the statutory requirements in a quality fashion is outstanding.

If confirmed, I look forward to joining them and to earning their and your respect and trust in the performance of the duties of this position. I will also, if confirmed, clearly look forward to and work closely with you and the remaining members of the committee, staff, and other members of Congress, on the various issues that deal with this position.

I look forward to working with you, and I would be pleased to answer any questions that you may have.

Senator BAUCUS. Thank you, Jan.

[The information pertaining to Mr. Mares appears in the appendix.]

Senator BAUCUS. Mr. Moore, have you completed, the committee's ethics questionnaires?

Mr. MOORE. Yes, sir.

Senator BAUCUS. Do you have any reason to believe that you would not be able to serve in this new position?

Mr. MOORE. No reason whatsoever.

Senator BAUCUS. As you know, former Secretary Baldrige and his team are no longer at Commerce. How can you assure us that you will be able to pick up the slack with other new people coming into Commerce, particularly ITA, and get the job done?

Mr. MOORE. That is a good question. Senator Danforth, in his remarks, talked about being no better than the people around you, and I have always believed that, too. I think that the continuity in ITA, as in many places, is provided by the career staff who are there; and they are simply some first-rate people.

I have been their student in the last two months since I have been there, and I have to say that I have some wonderful teachers. When I first got this job, I was talking to my children and my stepchildren about it. I said it was a little like going into a new school, except all the other kids knew more than you did—only you were the principal.

I don't remember which one of them said: It sounds like my school. (Laughter)

Mr. MOORE. That is the way, I think, that you have continuity. One, you depend on the people who are there; and then, hopefully, the people you bring in are the right people. I have to say that I

have been very impressed with the senior level, the political people as well as the careerists, in the department.

Senator BAUCUS. One big problem we have, as you well know, having worked for the Commerce Committee and for Senator Danforth, is the difficulty we have—probably that this country has—of getting good trade data.

You have been Acting Under Secretary now for a while; and I wondered if you could give us the benefit of your perspective as to how we in this Congress could help Commerce and ITA in what you are doing to help develop better data, particularly as we move toward new trade talks in the Uruguay Round, etcetera.

How do we develop better data so that we are in a position to develop better policy?

Mr. MOORE. As you know, the principal data gatherers in the department work under the Under Secretary for Economic Affairs, Bob Wortner. That group continually is trying to upgrade its process, the quality of its data.

I think next month's trade data for the first time is going to be released on a seasonally adjusted basis. We talk continually to other countries about the methods they use. Every month we get, for example, Japanese bilateral trade data before we get our own. We don't measure exactly the same things in that it depends on whether you collect data on the day something is shipped or the day it arrives.But it is a basis for comparison over time.

Within the Department of Commerce, working with our own experts, and watching the way other countries do it and learning from them means that over time the data is continually improving. I am no expert in the area, but I can only say that I know it is an ongoing effort to improve our ability.

Senator BAUCUS. I would just encourage you to do what you can in your new position to give some thought to and develop some ideas as to how we can develop that because I think that is critical.

Mr. Mares, you were formerly on The White House staff, and you are taking a position now in a different organization. As you know, this Congress is very interested in vigorous enforcement of the countervailing duty and antidumping statutes. As you know, this Administration has not taken historically as vigorous a view of those statutes as this Congress believes should be taken. What differences do you have in your mind as compared to The White House on implementation of the use of CVD and antidumping statutes?

And asking the same question differently: Do you have any reservations whatsoever that you will be able to resist White House pressures in those areas?

Mr. MARES. No reservations whatsoever, Mr. Chairman. I believe, as I mentioned in my opening remarks, the effective enforcement and administration of these laws is not only vital as to the intent of Congress, but it is very beneficial for the United States of America.

So, I have no reservations about enthusiastically and vigorously administering these laws.

Senator BAUCUS. Do you have any view that is different from The White House view as to enforcement of those laws, the implication and utilization of those laws?

Mr. MARES. Nobody at The White House has told me anything differently from what I have told you; and even if they did, if I am confirmed and sworn in, I will enforce the laws. That is what I am supposed to do and would expect to do, Senator.

Senator BAUCUS. I hope that is the case, and I know that will be the case.

Mr. MARES. I would hope that my epitaph will say that this person enforced these laws with integrity and commitment.

Senator BAUCUS. Thank you. Senator Danforth?

Senator WALLOP. Just a minute. I hope your epitaph isn't written before you leave Washington. (Laughter)

Mr. MARES. I appreciate that, Senator. I hope so, too.

Senator BAUCUS. Senator Danforth, any questions?

Senator DANFORTH. No questions, Mr. Chairman.

Senator BAUCUS. Senator Packwood?

Senator PACKWOOD. Mr. Mares, you mentioned the lumber agreement with Canada. It worked out quite well, and this is an example of where both countries are satisfied with the solution. Intelligent men and women on both sides faced the problem and took care of it.

In October, you are going to have the expiration of the steel voluntary restraints. What would be your advice to the Administration on whether they should be continued or modified; and if so, in what fashion?

Mr. MARES. I believe that they expire a year from this October, not this October.

Senator PACKWOOD. I thought it was this October.

Mr. MARES. No, I believe it is the next October, and I would respectfully decline to predict what I might be recommending at that time.

Senator PACKWOOD. I hope you are still in the next Administration.

Mr. MARES. So do I, Senator. (Laughter)

Senator PACKWOOD. Yes, you are right. It is a year from October; that is my mistake. I have no other questions, Mr. Chairman.

Senator BAUCUS. Senator Wallop?

Senator WALLOP. Mr. Chairman, thank you. I think the question I will ask could go to either gentleman, but I think it would perhaps be more appropriate to Jan Mares.

As you know, End Search, along with some other groups and individual producers, filed a petition in December of this last year for the Secretary of Commerce to conduct an investigation under Section 232 of the Trade Expansion Act to determine the effects upon the national security of the imports of foreign oil.

I just noticed in the Journal of Commerce on Friday, May 20, it said: ""U.S. oil imports rose 24 percent in April." I did a quick calculation here, and that is around 45 percent. Will the department be conducting a full-scale investigation under Section 232?

Mr. MOORE. Yes, that is going on now, and it is being worked through the interagency process. I think the statutory deadline is December 1 of this year. It is my hope that the study can be available well before that, but that is going to depend on the analysis that we have done.

Senator WALLOP. Are you planning to conduct public hearings?

Mr. MOORE. That is an option. None have yet been scheduled. The decision has not yet been made, but that is under consideration.

Senator WALLOP. The law does say that you must hold public hearings or otherwise afford an opportunity to present information and advice. I would urge you to consider strongly holding public hearings. Senator Bentsen, the chairman of the committee, and I have a short-lived amendment which would ask the President to come up with some recommendations, once we got to 50 percent; 45 percent is getting mighty close to that.

There have got to be some national security implications in that, which the nation can choose to ignore; but at least it ought to have in hand those implications before it makes that choice.

Mr. MOORE. As I am sure you know, Senator, in the course of this process, we have received— don't remember the number, but the number 60 jumps into my mind—written comments on this issue. So, we are sorting through all of those, and that will be part of the decision on whether to have public hearings or not.

Senator WALLOP. Again, it would be my hope that you do because I think there are implications to which the public is entitled; and it is pretty hard for it to grasp those implications if all the testimony that you receive and upon which you make your findings is wholly written. I have no further questions. Thank you.

Senator BAUCUS. Thank you, Senator Wallop. Senator Bradley?

STATEMENT OF HON. BILL BRADLEY, A U.S. SENATOR FROM NEW JERSEY

Senator BRADLEY. Mr. Chairman, thank you. I don't have any questions. I just want to welcome Mr. Moore to the committee and tell him how pleased I am that he is—I assume—moving up. He has moved out, and I assume this is a move up.

Senator DANFORTH. I don't know about that. (Laughter)

Senator BRADLEY. I think it is well deserved; and although the Senate is poorer for it, I think that the Administration is much stronger for it. So, I am very pleased that he is here. He is well known to committee members, particularly to me. He was very helpful to me on a number of points in my early Senate career; and I just simply would like to express my appreciation to him and compliment him for his nomination.

Mr. MOORE. Thank you, Senator.

Senator DANFORTH. Mr. Mares, do you have a comment?

Mr. MARES. Senator Danforth didn't ask me questions, but one of the things I wanted to say to him and to the committee is that the Senator encouraged me to join this Administration in 1981 and helped me do that; and he has encouraged me to be considered for this position.

And I am deeply appreciative of his encouragement to myself and to my prospective boss as well, and we will strive to work very closely with this committee. Thank you.

Senator DANFORTH. Mr. Chairman, Senator Heinz' staff tells me that he has some written questions to submit.

Senator BAUCUS. They will be included.

[The questions appear in the appendix.]

Senator BAUCUS. Gentlemen, why don't you introduce your families? Allen, why don't you begin?

Mr. MOORE. With pleasure. I think everyone here knows my wife, Janet; and this is my daughter, Jenny, who is about to become a tenth grader at Sidwell Friends School, and my son, Jason, who is heading off next year to Stanford.

Senator BAUCUS. Good choice. Mr. Mares?

Mr. MARES. My wife, Lois; my mother, Mrs. Mares, who is here from Texas; my daughter, Dorothy, who will also be a tenth grader with Jenny at Sidwell Friends next year; my son, Joseph.

Senator BAUCUS. This is getting a little "clubbish." Both Senator Bradley and myself have children at Sidwell Friends, too. (Laughter)

Senator BAUCUS. We wish you all the very best of luck. I know I can speak for the entire committee in saying that you have a great challenge ahead of you in your news jobs, and we will be working together with you to enforce the trade laws and we wish you the very best of luck.

Mr. MOORE. We are looking forward to working with you, Senator.

Mr. MARES. Thank you very much.

Senator BAUCUS. Thank you. We have one final nominee, Ms. Jill E. Kent. The third and last nominee for our consideration this morning is Jill E. Kent, who has been nominated for the position of Assistant Secretary of the Treasury for Management. She currently serves in an acting capacity in that position.

Before this year, Ms. Kent held the position of Deputy Assistant Secretary of the Treasury for Departmental Finance and Management. Prior to joining the Treasury Department, she also had substantial experience with the Office of Management and Budget and with other Government agencies.

Ms. Kent holds an undergraduate degree from the University of Michigan and two law degrees from George Washington University.

Ms. Kent, we welcome you to the Finance Committee this morning. At this point, we would be happy to hear any statement that you might have.

STATEMENT OF JILL E. KENT, NOMINEE TO BE ASSISTANT SECRETARY OF THE TREASURY FOR MANAGEMENT

Ms. KENT. Thank you, Mr. Chairman. I am delighted to be here. I have no prepared statement; however, I would like to comment that I am deeply honored to have been nominated by the President and to be before your committee for consideration this morning.

I would be delighted to answer any questions you may have.

Senator BAUCUS. I don't have very many questions. I assume you have filled out all the questionnaires that apply to your position. Is that correct?

Ms. KENT. Yes, Mr. Chairman, I have.

Senator BAUCUS. And do you have any reservations, or do you know of any reason why you should not hold the office to which you have been appointed?

Ms. KENT. None whatsoever.

Senator BAUCUS. I understand that you have experienced some management difficulties over the past year with some of your staff. For the record, would you like to briefly explain why you think you had those problems?

Ms. KENT. Thank you, Mr. Chairman. I have been in Federal service for 17 years. Over that period of time, in the fields of budget and management, I have had to make many decisions every day, many of which—as you can understand—may have been unpopular.

There may have been those who worked with me or for me from time to time who were unhappy with decisions I may have made. That is perfectly understandable in a management position. That is the way things are.

I also would comment that I feel that, in serving Secretary Baker and this President, it is important to ask for the highest quality of work. That requires placing demands on the people who work for me; but those who do perform have been very well rewarded with promotions and awards and other forms of recognition. I hope that answers your question.

Senator BAUCUS. What was the cause of the problems?

Ms. KENT. The problems, Mr. Chairman, to which you refer,are those in the report, which is before the committee?

Senator BAUCUS. That is correct.

Ms. KENT. I don't know what would motivate individuals, who—I think it is important to note—made whatever complaints they made in an anonymous form, to do that and what problems they may have seen.

The only problems found by the investigation, which was very thorough and went on over a long period of time, were some very minor citations; and they found no substance in most of the allegations. So, I would say there weren't any serious problems, Mr. Chairman.

Senator BAUCUS. You certainly have an opportunity in the days and weeks and months ahead to establish very good relationships with your staff, and I know that you look forward to doing just that.

Ms. KENT. I certainly will endeavor to do that, Mr. Chairman.

[The information regarding Ms. Kent appears in the appendix.]

Senator BAUCUS. I have no further questions. Ms. Kent, we are very proud that you are here before us as well, and we wish you the very best of luck. Do you have family here that you would like to introduce?

Ms. KENT. Yes, Mr. Chairman, I do. My husband, Mark Solomons, is here with me today.

Senator BAUCUS. Mr. Solomons, we are glad to have you here. Again, we wish you the very best of luck.

Ms. KENT. Thank you, Mr. Chairman.

Senator BAUCUS. Thank you. The hearing is adjourned.

[Whereupon, at 10:44 a.m., the hearing was adjourned.]

APPENDIX

ALPHABETICAL LIST AND MATERIAL SUBMITTED

BIOGRAPHY OF JILL E. KENT

Jill E. Kent was appointed Acting Assistant Secretary of the Treasury for Management in January, 1988. From October, 1986 until this recent appointment, she served as the Deputy Assistant Secretary for Departmental Finance & Management, the principal deputy to the Assistant Secretary of the Treasury for Management, responsible for the formulation and execution of the Department of the Treasury's annual budget. She directed the Departmental Offices of Finance, Planning and Management Analysis, Comptroller, Personnel, EEO, Procurement and Administrative Programs.

Having come to the Department of the Treasury from the Office of Management and Budget of the Executive Office of the President, in November, 1985, Ms. Kent assumed the position of Deputy Assistant Secretary for Departmental Finance & Planning. During this period, she was responsible for the Department's long-range planning as well as the formulation and execution of the departmental budget.

At the Office of Management and Budget, Ms. Kent was Chief of the Treasury and General Services Branch. Prior to this she spent nearly 15 years in various positions within the Federal Government, including two and a half years at the Department of the Treasury as a staff attorney.

Ms. Kent received her B.A. in 1970 from the University of Michigan; her J.D. in 1975 and L.L.M. (Taxation) in 1979, both from George Washington University.

Ms. Kent is married to Mark E. Solomons, an attorney, and resides in Washington, D.C.

OUTLINE OF INFORMATION REQUESTED OF NOMINEES

A. BIOGRAPHICAL

1. Jill Elspeth Kent

2. 5300 27th Street, N.W.
Washington, D.C. 20015

3. Birth date: 6/1/48
Birth place: Detroit, Michigan

4. Married
Mark Solomons

5. None.

92-351 - 89 - 2

6. George Washington University
1976 to 1979
LLM (Taxation) 1979;

George Washington University
1971 to 1975
J.D. 1975;

University of Michigan
1968 to 1970
B.A. 1970;

Wayne State University
1967 to 1968;

University of Michigan
1966 to 1967.

7. Employment record:

Acting Assistant Secretary of the Treasury (Management)
Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C.
1/88 to Present

Deputy Assistant Secretary for Departmental Finance and Management
Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C.
11/85 to 1/88

Chief, Treasury and GSA Branch
Office of Management and Budget
726 Jackson Place, N.W.
Washington, D.C.
6/84 to 11/85

Budget Examiner
Office of Management and Budget
726 Jackson Place, N.W.
Washington, D.C.
7/80 to 6/84

Legislative Analyst
Health Care Financing Administration
351 Hubert Humphrey Building
Washington, D.C.
11/78 to 7/80

Attorney
Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C.
2/76 to 11/78

Budget Analyst
Office of Management and Budget
726 Jackson Place, N.W.
Washington, D.C.
8/74 to 2/76

Legislative Analyst
National Highway, Traffic and Safety Administration
Department of Transportation
400 7th Street, S.W.
7/73 to 8/74

Budget Analyst
ACTION
806 Connecticut Avenue, N.W.
Washington, D.C.
12/71 to 7/73

Management Analyst
Coast Guard
Department of Transportation
400 7th Street, S.W.
Washington, D.C.
4/71 to 12/71

Researcher
League of Women Voters
1730 M Street, N.W.
Washington, D.C.
9/70 to 4/71

Management Trainee
Detroit Civil Service Commission
2 Woodward Avenue
Detroit, Michigan
4/70 to 8/70

Library Assistant
University of Michigan Undergaduate Library
Ann Arbor, Michigan
8/69 to 12/69

Cashier
Camera Store
South Universtiy
Ann Arbor, Michigan
7/69 to 8/69

Cashier
Detroit Civil Service Commission
Detroit Zoo
Royal Oak, Michigan
2 Woodward Avenue
Detroit, Michigan
4/69 to 7/69

Counselor
Jewish Community Center
Camp Ortonville, Michigan
18100 Meyers Road
Detroit, Michigan
7/68 to 3/68

Proofreader
Gale Research
700 Book Building
Detroit, Michigan
6/68 to 7/68

Library Assistant
Detroit Main Public Library
5201 Woodward Avenue
Detroit, Michigan
5/68 to 8/68

Cashier
Wayne State University Book Store
Cass Avenue
Detroit, Michigan
4/68 to 5/68

Clerk
Blue Cross of Michigan
600 East Lafayette
Detroit, Michigan
4/67 to 8/67

Kitchen
West Quad Dormitory
University of Michigan
Ann Arbor, Michigan
1/67 to 4/67

Teacher's Aid
Head Start
7/66 to 8/66

Wrapper
Saks Fifth Avenue
Second and Lothrop
Detroit, Michigan
7/65 to 10/65

8. Government experience:

Acting Assistant Secretary of the Treasury (Management)
Department of the Treasury
1/88 to Present

Deputy Assistant Secretary for Departmental Finance and Management
Department of the Treasury
11/85 to 1/88

Chief, Treasury GSA Branch
Office of Management and Budget
6/84 to 11/85

Budget Examiner
Office of Management and Budget
7/80 to 6/84

Legislative Analyst
Health Care Financing Administration
11/78 to 7/80

Attorney
Department of the Treasury
2/76 to 11/78

Budget Analyst
Office of Management and Budget
8/74 to 2/76

Legislative Analyst
National Highway, Traffic and Safety Administration
Department of Transportation
7/73 to 8/74

Budget Analyst
ACTION
12/71 to 7/73

Management Analyst
Coast Guard
Department of Transportation
4/71 to 12/71

Management Trainee
Detroit Civil Service Commission
4/70 to 8/70

Cashier
Detroit Civil Service Commission
4/69 to 7/69

9. Memberships:

Mobile Med
A Director
1987 to Present

Torch Club
Treasurer
1984 to 1986

Executive Women in Government
No Offices Held
1984 to 1987

Women in Government Relations
No Offices Held
1984 to 1987

Corcoran Gallery
No Offices Held
1984 to Present

American Bar Association
No Offices Held
1978 to Present

Smithsonian Institute
No Offices Held
1974 to 1976

University of Michigan
No Offices Held
1973 to 1976

American Film Institute
No Offices Held
1975 to 1976

Lawyer's Guide
No Offices Held
1972 to 1973

10. Political Affiliations and activities:

Member
D.C. League of Republican Women
1984 to Present

11. Honors and Awards:

Top Forty Performer: Selected by Management Magazine as one of the Federal Government's top executives under forty (1987);

Member, President's Council on Management Improvement (1985 to Present);

Participant, OMB's Charter Executive Development Program (1984);

Outstanding Performance Awards (1980, 1982)

12. None.

13. Keynote address given 6/16/87 to Procurement Network Conference, Department of the Treasury (two copies attached).

14. Qualifications Statement:

I believe that I am highly qualified for the position of Assistant Secretary of the Treasury (Management) on the basis of both my extensive public service and my commitment to serving the public good.

I have been in public service in management, budget and policy positions for seventeen years. I have served ten directly or indirectly involved in Treasury programs and operations. From 1976 to 1978, I was a legislative attorney in the Office of the General Counsel, Department of Treasury. From 1980 to 1985, I was employed by the Office of Management and Budget in review of Treasury programs, first as a staffer on the budget of the Internal Revenue Service (1980 to 1984) and then as Chief of the Treasury General Services Branch. Since 1985, I have been in my current position of Deputy Assistant Secretary for Departmental Finance and Management. In this position, I serve as the principal Deputy to the Assistant Secretary (Management) and as his alter ego. I have been involved in the full range of responsibilities of that position. During this period, I have acted as Assistant Secretary (Management) on numerous occasions totalling several months.

In addition to this experience, I believe that I would bring to the position of Assistant Secretary a passion for excellence and a commitment to the public good. I would view myself as serving the American people as well as the President. I would continue, as I have throughout my government career, to treat the public trust with extreme gravity and to execute it with prudence, integrity and all the skill and dedication of which I am possessed.

NOMINEE INFORMATION

BIOGRAPHICAL

1. Name: Jan William Mares

2. Address: 3228 Woodley Road, NW
Washington, DC 20008

3. Date/Place of Birth: Dec. 12, 1936, St. Louis, Missouri

4. Married to the former Lois Haase

5. Children: Daughter: Dorothy Louise (14)
Son: Joseph Jan Mares (12)

6. Education

Harvard College, 1954-58, A.B. 1958
M.I.T., 1958-60, S.M. 1960
Harvard Law School, 1960-63, LLB 1963
Columbia Univ., 1967 (1 mo. summer internatl. law prog./no degree)
New York University & City College of New York (eves/no degree, 1964-70)

7. Employment Record:

Senior Policy Analyst, Office of Policy Development, The White House, Dec.'85-present.

Asst. Secy. for Internatl. Affairs & Energy Emergencies, U.S. Dept. of Energy, Jan.'85-May'85.

Asst. Secy. for Policy, Safety & Environment, U.S. Dept. of Energy, Jan.'84-Jan.'85.

Acting Dir., Office of Policy, Planning & Analysis, U.S. Dept. of Energy, May'83-Jan.'84.

Acting Under Secy., U.S. Dept. of Energy, June'82-Dec.'82.

Acting Dep. Under Secy., U.S. Dept. of Energy, Mar.'82-June'82.

Asst. Secy. for Fossil Energy, U.S. Dept. of Energy, Aug.'81-Jan.'84.

Vice Pres.-Gen. Mgr., Ethylene Oxide Derivatives Div., Union Carbide Corp., Jan.'80-Aug.'81, Danbury, CT, and NYC, NY.
All positions from 1963-1979 were with Union Carbide Corp., in New York City, New York.

Operations Manager, Ethylene Oxide/Glycol Derivatives Dept., '78-'79.

Business Financial Task Force Mgr., Hydrocarbons Dept., '77-'78.

Operations Mgr., Industrial Chemicals Dept. & Ethylene Oxide/Glycol & Derivatives Dept.,'76-'77.

Business Mgr., OPEC Prog., Hydrocarbons Dept.,'73-'76.

Internatl. Counsel (Chief Internatl. Lawyer),'72-'73.

Union Carbide Eastern, Area Attorney, '72-'73.

Union Carbide Europe, Area Attorney, '69-'72.

Union Carbide Africa and Middle East, Area Attorney, '68-'72.

Attorney (Finance & Secy's Depts.),'68-'69.

Asst. Internatl. Attorney,'66-'67.

Attorney (Chemicals & Plastics Area),'63-'66.

Legal Asst., U.S. Attorney's Office, Houston, TX, summer'62.

Stock Analyst, Carl M. Loeb, Rhoades & Co., NY, NY, summers '60 and '61.

Engineering Asst., Mares & Groppe, Houston, TX, summer'59.

Laboratory Tech., Goodyear Co., Houston, TX, summer'58.

8. Government Service

Senior Policy Analyst, Office of Policy Development, The White House, Dec.'85-present.

Asst. Secy. for Internatl. Affairs & Energy Emergencies, U.S. Dept. of Energy, Jan.'85-May'85.

Asst. Secy for Policy, Safety & Environ., U.S. Dept. of Energy, Jan.'84-Jan.'85.

Acting Dir., Office of Policy, Planning & Analysis, U.S. Dept. of Energy, May'83-Jan.'84.

Acting Under Secy., U.S. Dept. of Energy, June'82-Dec.'82.

Acting Dep. Under Secy., U.S. Dept. of Energy, Mar.'82-June'82.

Asst. Secy. for Fossil Energy, U.S. Dept. of Energy, Aug.'81-Jan.'84.

Legal Asst., U.S. Attorney's Office, Houston, TX, summer'62.

9. Memberships

American Chemical Soc., Wash., DC, '63 to present.
American Bar Assoc., Chicago, IL, '63 to present.
Sleepy Hollow Country Club, Scarborough, NY, '69-'86.
Heights Casino, Brooklyn, NY, '64-'74.
NY State Bar Assoc., Albany, NY, '64 to present.
Bar Assoc. of City of New York, '68-'77.
Harvard Club, NYC, NY, '63-'68.
Harvard Law School Assoc., Cambridge, MA, '63 to present.
Harvard Law School Club, NYC, NY, '63-'81.
Harvard Club of Fairfield County, 1981.
M.I.T. Club of New York, NYC, NY, '63-'81.
M.I.T. Sustaining Fellows, Cambridge, MA, '79 to present.
Smithsonian Institution, Wash., DC, '79-present.
New Canaan Nature Ctr., New Canaan, CT, '80-'81.
Natl. Audubon Soc., Wash., DC, '80 to present.
Stanley Stern Bus. Grp., NYC, NY,'76-'81.
Legal Aid Society, NYC, NY, '71-'81.
Museum of City of New York, '78-'80.
Bronx Botanical Gardens, Bronx, NY, '80-'81.
Corporate Internatl. Lawyers Grp., '71-'73.
Internatl. Union of Operating Engrs., Galveston, TX, Labor Union, Summer '58.

East African Wildlife Soc., Nairobi, Kenya, '68-72.
Royal African Soc., London, England, '68-'72.
Middle East Institute, Wash., DC, '70-'74.
The Wilderness Society, Wash., DC, '70s.
Assoc. of Harvard Chemists, Cambridge, MA, '59 to present.
Lincolns Inn Society, Cambridge, MA, '60-'63.
Common Cause, Wash., DC, '60s-'70s.
Channel 13, New York, NY, '70s.
New Canaan YMCA, New Canaan, CT, '80-'81.
Friends of NYC Public Library, NYC, NY, '70s-'81.
Carbide Club, Union Carbide, NYC, '70s-'81.
US Branch, Internatl. Fiscal Assoc., Headqtrs: Amsterdam, Holland, '71-'73.
American Soc. of Internatl. Law, Wash., DC, '73-'75.
The Asia Society, NYC, NY, '60s-'70s.
Stamford Museum, Stamford, CT, 1981.
Mares Brokerage Co., our home, partner, '64-'70.
Energy Resources, Inc., Cambridge, MA, director,'79-81.
NY Zoological Society, NYC, NY, '68 to present.
Phi Lambda Upsilon, MIT Chapter, NCY, NY,'59-'60.
Museum of Modern Art. NYC, NY, '64 to present.
Museum of Natural History, NYC, NY, '75 to present.
Siasconset Casino, Siasconset, MA, '81 to present.
Harvard Club, Wash., DC, '81 to present.
Texas State Society of DC, Wash., DC, '84 to present.
MIT Club of DC, Wash., DC, '81 to present.
Corcoran Gallery of Art, Wash., DC, '83 to present.
Amer. Inst. of Chemical Engrs., Wash., DC, '82 to present.
Society of Petroleum Engrs., Tulsa, OK, '82 to present.
US/UN Association, Wash., DC, '81 to present.
National Zoo, Wash., DC, '81 to present.
WETA (TV station), Wash., DC, '81 to present.
Amer. Assoc. for Advancement of Science, DC, '83 to present.
YMCA of the Rockies, Estes Park, CO, '84 to present.
Chevy Chase Club, Chevy Chase, MD, '86 to present.
Baltimore Aquarium, Baltimore, MD, '86 to present.
Maryland Museum of Science, '87 to present.

10. Political Affiliations

I have been a registered Republican in New York prior to June 1980; in Connecticut 1980-1985; and in the District of Columbia 1986 to present. I have made personal contributions to the Republican National Committee, Republican Senatorial Committee, and in support of various candidates for national, state, and local offices. I have prepared a list of such contributions. The following list may omit some such contributions, but I do not recollect any that exceed the maximum reported gift in the subject year. I was not an officer of any political party, organization, or election committee.

1988

Republican National Committee	$ 500.00
Friends of Phil Gramm	400.00
George Bush for President	1,000.00
duPont for President	500.00
Mares for Vermont Legislature	100.00

1987

Republican National Committee	500.00
Gramm Senate Club	400.00

1986

Ed Zschau for Senate (primary & general election)	1,400.00
Republican National Committee	1,250.00
Mares for Legislature	49.00
Republican Task Force	250.00
Citizens for the Republic	25.00
Friends of Phil Gramm	200.00

1985

Friends of Ed Harget	$ 250.00

1984

Mares for Legislature	49.00
Domenici for Senate	300.00
McClure for Senate	300.00
Percy for Senate	300.00
Gramm for Senate	400.00
Senatorial Victory Fund	200.00
Republican National Committee Five Hundred Club	200.00
Cantrell for Congress	50.00
Republican Senatorial Committee	200.00

1983

Republican National Committee	850.00
National Republican Senatorial	200.00

1982

Republican National Committee	500.00
Danforth for Senate	600.00

1981

Republican National Committee	150.00
Republican Town Committee	50.00
New Canaan Republicans	18.00

1980

Union Carbide 610 Committee (PAC)	200.00
George Bush for President	25.00
Unity for Anderson	125.00
Republican National Committee	100.00
Republican National Committee 1980	25.00
John Lindsay Committee	125.00

1979

Republican National Committee	50.00
Committee for Roy Goodman	25.00
George Bush for President	100.00
1979/80 Campaign Fund	50.00

1978

Re-elect Bill Green	$ 50.00
Committee for Roy Goodman	50.00
Union Carbide 610 Committee (PAC)	100.00

11. Honors/Awards: Exxon Fellowship at Chemical Engineering Practice School, M.I.T.
Phi Lambda Upsilon (honorary society at MIT)

12. Published writings:

DOE Research Will Help Meet Challenge of the Beaufort Sea, The Oil Daily, March 22, 1983.

Letter to the Editor, The Oil Daily, Inc., NYC, NY, Bartlesville Center Will Do Well Under Private Institute, Aug. 1, 1983.

New Energy Technologies Gear Up for the Future, Energy User News, November 8, 1982.

RESPONSES TO QUESTIONS FROM SEN. HEINZ
FOR CONFIRMATION HEARING OF JAN MARES

1. Q. In December 1985, the Commerce Department imposed a 64.8% dumping duty on photo albums and photo album filler pages imported from Korea. Since then, the domestic industry has provided the Commerce Department with objective evidence (e.g. the Journal of Commerce) of massive circumvention of the Order by shipping photo albums and filler pages through third countries; yet until very recently the Department had taken only limited action to stop this practice. How do you view the Commerce Department's responsibility in policing compliance with its antidumping and CVD orders in this and other cases?

   A. The Commerce Department is responsible for enforcing antidumping and countervailing duty orders. If confirmed, I would ensure that credible allegations of circumvention were quickly and aggressively investigated. If firms were found to be circumventing an order, shipments from those firms would be subject to duties under the the order. I would also provide the Customs Service with information relevant to an investigation for fraud.

2. Q. In the photo album case, the Commerce Department has recently issued a Preliminary Decision informing several companies in Taiwan, Hong Kong and Singapore that have failed to answer questionnaires designed to obtained information about circumvention of the Korean antidumping order, that if they do not provide an adequate response, the Commerce Department will regard all photo albums and filler pages exported, or purported to be manufactured by those firms as products of Korea and will impose a 64.81% duty on them. This action has been taken in response to evidence of massive circumvention of the 1985 antidumping order by companies in these countries. Are you prepared to ensure that the Final Order does impose the 64.81 percent duty unless the named firms submit contrary valid data to the Commerce Department, which the Department is able to verify, proving that they actually manufactured the albums they exported to the United States?

   A. If I were confirmed after the Preliminary Decision becomes final, I would, through the Office of Import Administration, enforce the decision. If I were confirmed before the Decision becomes final, I would evaluate the information in the record of the review before deciding the issue. As I currently understand them, I am comfortable with the policies espoused in the Preliminary Decision.

3. Q. What other steps do you believe that the Commerce Department should take to avoid circumvention of this order? If the domestic industry were to bring you credible evidence that companies in new countries, such as Thailand or Indonesia, were also involved in circumvention what steps would you take to bring a timely halt to such activity?

   A. I have described in response to your first question the actions I believe necessary to avoid circumvention of antidumping and countervailing duty orders.

4. Q. My experience in the photo album matter, as well as other dumping and CVD cases, has demonstrated the lack of coordination between Customs and the Commerce Department in matters relating to compliance with Commerce Department

antidumping and CVD Orders. Without such coordination, Commerce Department Orders can become empty remedies. What steps are you prepared to take to insure that Commerce and Customs approach the enforcement of compliance with antidumping and CVD orders in a coordinated and complementary fashion?

A. Import Administration and the Customs Service must cooperate if determinations are to be enforced. My goal would be that the efforts of the two agencies be complementary and productive.

My understanding is that Import Administration is working closely with the Customs Service to correct problems identified in the collections reporting system. In addition, I understand that Import Administration is supporting the Customs Service's efforts to establish a new automated control and data retrieval system which Customs expects to be in place later this year. This new system should enable Customs Headquarters and Import Administration to know if Customs field officers are operating under the correct instructions. It also should permit immediate retrieval of information on suspended entries and estimated duty collections.

My understanding is that when the new automated system is combined with an improved system for reporting liquidations, Import Administration will have a significantly increased capacity to determine if required antidumping and countervailing duties are being collected. That is the kind of cooperative result I will seek, if confirmed.

5. Q. Pursuing relief from dumping by foreign companies is a very expensive undertaking. The need to monitor compliance with orders issued by Commerce and perhaps to participate in annual reviews further burdens industries which are already economically weak after suffering months or years of dumping. This burden can be crippling for small business. What steps should be taken by the Commerce Department to guarantee that even small businesses have access to the relief to which our laws entitle them?

A. My understanding is that Commerce has already taken steps to lighten the economic burden on small businesses. For example, I understand that Commerce staff spends considerable time explaining the AD and CVD laws to small businesses and analyzing their evidence of dumping or unfair trade subsidies; Commerce trade specialists will, if requested, visit small companies that are drafting petitions to lend special assistance on difficult technical matters, and will review draft petitions prior to the time the petition is formally filed.

Commerce cannot reduce to zero the costs of small businesses in participating in AD and CVD investigations and reviews. However, I will vigilantly seek appropriate ways that Commerce can be responsive to small businesses.

6. Q. Critics of the Commerce Department have sometimes said that bringing an antidumping or a CVD action can mean fighting two governments, the U.S. government as well as the government of the foreign industry. This stems from a perception by some domestic industries that the Commerce Department, when faced with conflicting submissions by domestic and foreign industries, generally gives the foreign companies the benefit

of the doubt. What is your philosophy about the role of the Commerce Department in antidumping and CVD cases? Should you be assisting U.S. industries; assisting foreign companies? How should submissions by domestic industries be viewed? Should both sets of information have equal weight?

A. The role of the Commerce Department is to administer the law vigorously, openly and fairly. All submissions -- be they domestic or foreign -- should be analyzed with the goal of discovering the truth -- whether the foreign government or company has engaged in an unfair trade practice. Submissions should be viewed and verified as provided in the law.

7. Q. What is the role of the Commerce Department in a verification? Is it just to be sure that all the numbers submitted by the foreign companies appear to match their records, or does the Department of Commerce have an obligation to do independent research to determine what the facts in a given industry in a given country really are? What instructions would you give to your staff about their responsibility to consult independent, objective sources to find out facts about a foreign industry?

A. If confirmed, I would instruct the staff in connection with verification not just to verify the minute details of the response, but to keep in mind the broader case issues. I would instruct the staff to consult publicly available information, as appropriate, consistent with the statute.

8. Q. What is the role of the Commerce Department in an annual review? Is it just to see whether the foreign companies have learned how to do their submissions better? Or does the Commerce Department staff have an independent responsibility to find out what the facts really are?

A. The purpose of an administrative review is to determine the level of subsidization or the margin of sales at less than fair value during a specific period. In making those determinations, it is my understanding that the Department relies on information provided by foreign firms, foreign governments, and domestic interested parties, as well as information gathered from independent sources. I understand that the Department strives to ensure that the information it relies on is accurate and complete, and I would continue that practice.

9. Q. What is the purpose of our dumping/countervailing duty (AD/CVD) laws?

A. The purpose of the antidumping and countervailing duty laws is to ensure fair competition between U.S. industries and their foreign competitors in the U.S. market. These laws provide a mechanism by which adversely affected domestic industries can seek relief from practices that the law considers to be unfair, namely, dumping and subsidization. This relief comes in the form of additional duties that offset any unfair advantage obtained through dumping or subsidization.

10. Q. Do dumping or foreign subsidies benefit U.S. consumers?

A. The antidumping and countervailing duty laws do not allow the Department to consider the effects of dumping or subsidization on U.S. consumers when the agency is deciding whether to initiate an investigation or when it determines whether (and in what amount) to impose additional duties under these laws.

11. Q. Would it be better to replace these laws with reliance on U.S. antitrust law?

A. U.S. antitrust laws are based upon different premises than antidumping or countervailing duty laws and respond to different concerns. Although one could make the broad statement that the antitrust laws, like the antidumping and countervailing duty laws, are a means of redressing restraints of trade, Congress has enacted antidumping and countervailing duty statutes that deal with particular problems and that are consistent with internationally agreed upon rules of trade. If confirmed, it would be my task to enforce those laws vigorously.

12. Q. Do you plan to change your predecessors' policy with respect to the use of suspension agreements?

A. My preference would be to let investigations run their course. It is my understanding that the legislative history indicates that suspension agreements should be the exception, and not the rule -- they are an unusual remedy for dealing with imports of dumped or subsidized products. There are a number of reasons for this bias in the law, including:

calculation and assessment of duties is the most accurate means of offsetting actual amounts of subsidies or margins of sales at less than fair value; and

as a general rule, administration of suspension agreements requires more resources than orders because of the additional monitoring requirements.

Even so, there are times when it is in the public interest to suspend an antidumping or countervailing duty investigation based on an agreement. An agreement that has the potential to eliminate the subsidy or dumping margin and to serve other interests of the domestic industry and public deserves serious consideration.

I can assure you that before approving any suspension agreement, I would closely examine the overall implications of that agreement.

13. Q. At what point during an investigation do you believe the AD/CVD laws permit a determination of critical circumstances?

A. My understanding of the law on this point is as follows: although the statutory provision for critical circumstances states that the Department will make such a determination "promptly," critical circumstances determinations have no effect until the Department orders suspension of liquidation. The statute provides that suspension of liquidation is imposed if the preliminary determination of subsidization or sales at less than fair value is affirmative. It appears, then, that the law prevents a critical circumstances determination from having any effect until there is an affirmative preliminary determination. I understand that suspension of liquidation before a preliminary determination would violate the GATT Subsidies and Anti-Dumping Codes.

14. Q. Please explain the concept of general availability in the CVD law as you understand it.

A. It is my understanding that in applying the specificity test under Commerce practice and rulings of the Court of International Trade in four cases (Cabot Corporation v. United States (1985), PPG Industries, Inc. v. United States (1987), Al Tech Specialty Steel Corp. v. United States (1987), and Can-Am Corp. v. United States (1987)), the Department must conduct a case-by-case analysis to determine whether, in fact, the benefit is bestowed upon a specific enterprise, industry or group of enterprises or industries.

15. Q. What is your position on the extension of the steel VRAs?

A. This is a subject that will require thorough, in-depth analysis and intensive policy review. As you know, the current steel program is scheduled to expire on September 30, 1989. A key consideration in the decision on extension will be whether the goals of the President's Program will have been achieved.

I can assure you that I am fully committed to the President's Steel Program, and will vigorously administer the Program.

16. Q. What role will you play in the Uruguay Round with respect to negotiations on dumping or subsidies?

A. If confirmed, Import Administration and I will participate significantly both in the development of the United States' positions and in the actual negotiations pertaining to dumping and subsidies.

17. Q. Are you satisfied with the current administration of the Foreign-Trade Zone program? What changes do you contemplate?

A. My understanding is that the Commerce Department has advised Congress as to its willingness to work with the legislative branch on possible amendments to the Foreign Trade Zone Act. I agree that joint legislative - executive branch review of The Foreign Trade Zone Act would be appropriate and would be pleased to work with Congress on this issue.

18. Q. Do you agree that new foreign-trade zones should be approved only if Commerce determines that they will lead to a net increase in jobs?

A. I believe that Congress and the Executive Branch should jointly consider possible changes in the Foreign Trade Zone Act which may include specific criteria for evaluating the net economic effect of zone proposals. These criteria could include the net effect on U.S. jobs, as well as other factors such as import displacement and changes in production patterns.

A. BIOGRAPHICAL:

1. Name:

William Allen Moore

2. Address:

4069 N. 27th Road, Arlington, VA 22207

3. Date and Place of Birth:

1/25/45, Glendale, CA

4. Marital Status:

Married to Janet (McCord) Moore

5. Names and ages of children:

Son, Jason Douglas Moore, 17

Daughter, Jane Erin Moore, 14

Stepdaughter, Lee White Westmoreland, 17

Stepdaughter, Cathryn McCord Westmoreland, 23

Stepson, Mark Eugene Westmoreland, 24

6. Education:

Pomona High School, Pomona, CA, 9/59 - 6/62

Pomona College, Claremont, CA, 9/62 - 6/66 (B.A.)

Syracuse Univ., Syracuse, NY, 10/66-12/66)Part of Peace
Univ. of Wash., Seattle, WA, 4/67-6/67)Corps Training

Stanford Univ. Graduate School of Business, Stanford, CA, 9/69 - 6/72 (M.B.A.)

7. Employment Record:

3/88 - present, Acting Under Secretary for International Trade Administration, DOC

1/85 - 3/88, Chief of Staff (Minority Chief of Staff after 1/87) U.S. Senate Committee on Commerce, Science, and Transportation, Washington, D.C.

1/77 - 12/84, Director of Legislation, office of Senator Jack Danforth, U.S. Senate

1982-1986, consultant to Board of Directors, Cetec Corporation, El Monte, CA

10/75 - 1/77, Associate Director for Policy & Planning, Domestic Council Staff, The White House, Washington, D.C.

4/75 - 10/75, Self-employed consultant, Washington, D.C.

1/73 - 3/75, Vice President and General Manager, Seneca Corp., Washington, D.C.

7/71 - 1/73, Program Analyst, Dept. of Health, Education, and Welfare, Washington, D.C.

6/70 - 9/70, Arcata Management Corp., Menlo Park, CA (Advisor to minority-owned businesses)

6/69 - 8/69, Assistant Director, Cedar Lake Camp, Big Bear Lake, CA

4/67 - 6/69, Peace Corps, Volunteer, LaPaz, Bolivia

6/66 - 9/66, Management Trainee, United California Bank, Pomona, CA

8. Government Experience:

1/85 - 3/88, U.S. Senate Commerce Committee, staff
1/77 - 12/84, Office of Senator Jack Danforth
10/75 - 1/77, White House Domestic Council, staff
7/71 - 1/73, Dept. of Health, Education & Welfare, staff
4/67 - 6/69, Peace Corps, volunteer, LaPaz, Bolivia

9. Memberships:

Jacob More Society, 1120 S. Montezuma Way, West Covina, CA, 2/75 - 2/76, Vice President; 2/77 - present, V.P. & Director

International Rescue Committee, 386 Park Avenue, S., NY, NY, 1980 - present, Director

Stanford Business School Alumni Assn, Stanford, CA, 1981-85, Director (Washington, D.C. Board)

Refugees Information and Exchange Project, Washington, D.C., 1980-81, Advisory Board

10. Political affiliations and activities:

Served as informal adviser to Senator Danforth re-election campaign. 1984 - Member, official proceedings staff, Republican National Convention. Volunteer policy adviser to Elliott Richardson Senate Campaign (gave $100),

Carrie Franke Congressional (9th District, MO) campaign, and to Senatorial Campaign Committee. 1982 - volunteer policy adviser to Danforth for Senate Campaign. 1980 - volunteer policy adviser to Baker for President Campaign.

11. Honors and Awards:

Pomona (California) High School valedictorian.

12. Published writings:

"It's More Than Merit Pay," Washington Post op-ed page, 7/9/83.

Using Title XX to Serve Children and Youth, with J. Twiname and P. Mott, manual published by Child Welfare League of America, Inc., New York, May 1975.

COMMUNICATIONS

United States
Office of Government Ethics
P.O. Box 14108
Washington, D.C. 20044

MAR 16 1988

Honorable Lloyd Bentsoh
Chairman
Committee on Finance
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Jill E. Kent, who has been nominated by President Reagan for the position of Assistant Secretary of Treasury for Management.

We have reviewed the report and have also obtained advice from the Department of the Treasury concerning any possible conflict in light of the Department's functions and the nominee's proposed duties. Ms. Kent has indicated her intention to recuse herself in any particular matter involving the law firm with which her husband is associated. Based thereon, we believe Ms. Kent is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

Frank Q. Nebeker
Director

Enclosure

United States
Office of Government Ethics
P.O. Box 14108
Washington, D.C. 20044

Honorable Lloyd Bentsen
Chairman
Committee on Finance
United States Senate
Washington, D.C. 20510

MAY 16 1988

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Jan W. Mares, who has been nominated by President Reagan for the position of Assistant Secretary for Import Administration, United States Department of Commerce.

We have reviewed the report and have obtained advice from the Department of Commerce concerning any possible conflict in light of its functions and the nominee's proposed duties. We have identified the following assets in Mr. Mares' qualified blind trusts as presenting potential conflicts of interest: American Cyanamid; American Express; American Home Products; Convergent Technology; Federated Department Stores; Koppers; Lockheed; May Department Stores; McGraw-Hill; Pacific Telesis; J.C. Penney; and Tambrands. We have also identified Mr. Mares' holding in the Putnam Information Services Sciences Trust Mutual Fund as posing a potential conflict. Based on the May 4, 1988 letter from the Department of Commerce, we understand that Mr. Mares has agreed to take the necessary steps to have these assets sold. Pursuant to section 211(a) of the Ethics in Government Act, these sales are required to be made, with notification sent to Department of Commerce ethics officials and to our Office, not later than three months after the date of his confirmation.

As stated in the enclosed May 4, 1988 Department of Commerce letter, to avoid a conflict of interest or the appearance of a conflict, Mr. Mares has agreed to recuse from participating in matters involving Rational, Inc., and the industry of computer software for defense applications of which it is a part. Mr. Mares has also agreed not to participate in matters affecting Silver Screen II, the motion picture limited partnership, or its industrial sector. Mr. Mares has requested a waiver under 18 U.S.C. § 208(b)(i) for his vested pension interest in Union Carbide.

As discussed in the enclosed May 11, 1988 Department of Commerce letter, Mr. Mares has agreed to certain remedial measures in order to avoid any appearance of a conflict of interest arising out of his holdings or those of his wife in Nestor Partners. Mr. Mares has agreed to recuse from participating in matters affecting or involving the agricultural and metal commodities markets in which Nestor Partners is known to participate, except for crude oil and related products. With regard to the crude oil and related products market in which Nestor Partners participates, Mr. Mares has requested a waiver under 18 U.S.C. § 208(b)(i).

Subject to the implementation of the above-discussed divestitures, recusals, and waivers, it appears that Mr. Mares will be in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

Frank Q. Nebeker
Director

Enclosures (7)

United States
Office of Government Ethics
P.O. Box 14108
Washington, D.C. 20044

MAY 18 1988

Honorable Lloyd Bentsen
Chairman
Committee on Finance
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by Mr. W. Allen Moore, who has been nominated by President Reagan for the position of Under Secretary for International Trade, U.S. Department of Commerce.

We have reviewed the report and have also obtained advice from the Department of Commerce concerning any possible conflict in light of its functions and the nominee's proposed duties. Mr. Moore, his wife, and dependent children have interests which may be affected by his proposed responsibilities regarding trade issues. These interests include shares of stock in Cetec Corporation, a company involved with sound equipment, software services, and plastic products; in Ford Motor Company and Navistar International Corporation (automobile and truck industry); in Texaco, Inc., Chevron Corporation, and Freeport-McMoran, Inc. (oil, gas, and chemical industry); in Aon, Inc. and Travelers Corporation (insurance industry); and in CBS, Inc. (broadcasting, entertainment, and publishing industry).

Mr. Moore has agreed to disqualify himself from participation whenever matters come before him involving the specific companies named above. With regard to matters affecting these industry sectors generally, he has requested a waiver from the Secretary of Commerce, pursuant to 18 U.S.C. §208(b), of the statutory restrictions on conflicting outside financial interests, and also of the related regulatory restrictions, viewing his interests in each industry sector as not so substantial as to be deemed likely to affect his integrity in carrying out the responsibilities of the position for which he has been nominated. We understand that those waivers have been approved and will be forwarded to us promptly.

Additionally, with regard to Cetec Corporation, Mr. Moore is in the process of divesting all his family's interests, which he expects to complete within the next 90 days. Finally, Mr. Moore has agreed to disqualify himself from participation in matters affecting the following companies, including their industry sectors, in which he or his family have financial interests: Carlisle Collection Limited, Dominion Resources, Inc., Golden West Financial Corporation, Pacific Gas and Electric Company, and Portland General Corporation. Documentation for the above matters is enclosed, along with a letter from ethics officials at the Department of Commerce.

Upon full implementation of the foregoing, we believe that Mr. Moore will be in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

Frank Q. Nebeker
Director

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